

## SENATE BILL No. 322

### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-10-3.

**Synopsis:** County park board membership. Increases the number of members appointed to the county park board by the county executive from one to two members and increases the number of members appointed by the county fiscal body from two to three members. Eliminates the members appointed by the judge of the circuit court. Provides that if a municipal park district expands into the unincorporated area of the county, the county executive and county fiscal body, instead of the circuit court judge, appoint members to the board to represent the area added to the district. Provides that a member appointed to the park board by a circuit court judge before July 1, 2001, is entitled to serve the remainder of the member's unexpired term.

**Effective:** July 1, 2001.

**Waterman**

January 16, 2001, read first time and referred to Committee on Governmental and Regulatory Affairs.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## SENATE BILL No. 322

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 36-10-3-4 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) A municipal  
3 board consists of four (4) members to be appointed by the executive of  
4 the municipality. The members shall be appointed on the basis of their  
5 interest in and knowledge of parks and recreation, but no more than  
6 two (2) members may be affiliated with the same political party.  
7 Members of a town board must be residents of the district. In addition,  
8 the creating ordinance may provide for one (1) or two (2) ex officio  
9 members, those being:  
10 (1) a member:  
11 (A) of the governing body of the school corporation selected  
12 by that body; or  
13 (B) designated by the governing body of the school  
14 corporation if the board is in a town;  
15 (2) a member of the governing body of the library district selected  
16 by that body; or  
17 (3) both (1) and (2).



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(b) A county board shall be appointed as follows:

~~(1) Two (2) members shall be appointed by the judge of the circuit court.~~

~~(2) (1) One (1) member Two (2) members~~ shall be appointed by the county executive.

~~(3) (2) Two (2) Three (3) members~~ shall be appointed by the county fiscal body.

The members appointed under subdivisions (1) **and** (2) **and** ~~(3)~~ shall be appointed on the basis of their interest in and knowledge of parks and recreation, but no more than one (1) member appointed under ~~subdivisions~~ **subdivision** (1) and ~~(3)~~ **no more than two (2) members under subdivision (2)** may be affiliated with the same political party. In a county having at least one (1) first or second class city, the creating ordinance must provide for one (1) ex officio board member to be appointed by the executive of that city. ~~The member appointed by the city executive must be affiliated with a different political party than the member appointed by the county executive.~~ However, if a county has more than one (1) such city, the executives of those cities shall agree on the member. The member serves for a term coterminous with the term of the appointing executive or executives.

(c) Ex officio members have all the rights of regular members, including the right to vote. A vacancy in an ex officio position shall be filled by the appointing authority.

(d) Neither a municipal executive nor a member of a county fiscal body, county executive, or municipal fiscal body may serve on a board.

(e) The creating ordinance in any county may provide for:

(1) the county cooperative extension coordinator;

(2) the county extension educator; or

(3) a member of the county extension committee selected by the committee;

to serve as an ex officio member of the county board, in addition to the members provided for under subsection (b).

(f) The creating ordinance in a county having no first or second class cities may provide for a member of the county board to be selected by the board of supervisors of a soil and water conservation district in which a facility of the county board is located. The member selected under this subsection is in addition to the members provided for under subsections (b) and (e).

SECTION 2. IC 36-10-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) Initial appointments to a municipal board are as follows:

(1) One (1) member for a term of one (1) year.

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(2) One (1) member for a term of two (2) years.

(3) One (1) member for a term of three (3) years.

(4) One (1) member for a term of four (4) years.

As a term expires, each new appointment is for a four (4) year term. All terms expire on the first Monday in January, but a member continues in office until his successor is appointed.

(b) Initial appointments to a county board are as follows:

~~(1) The circuit court judge's appointments are for one (1) and three (3) year terms, respectively.~~

**(2) (1) The county executive's appointment is appointments are for a two (2) year term: one (1) and three (3) year terms, respectively.**

**(3) (2) The county fiscal body's appointments are for two (2), three (3), and four (4) year terms, respectively.**

As a term expires, each new appointment is for a four (4) year term. All terms expire on the first Monday in January, but a member continues in office until his successor is appointed.

(c) An appointing authority shall make initial appointments within ninety (90) days after the creation of the department.

(d) If an appointment for any new term is not made by the first Monday in April, the incumbent shall serve another term.

(e) In making initial appointments under subsections (a) or (b), an appointing authority, in order to provide continuity of experience and programs, shall give special consideration to the appointment of members from previous park or recreation boards.

(f) If a vacancy on the board occurs, the appointing authority shall appoint a person to serve for the remainder of the unexpired term.

SECTION 3. IC 36-10-3-36 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 36. (a) If a majority of those voting in a special election vote under section 35 of this chapter for the extension of park and recreation services, then at the beginning of the next fiscal year the area becomes part of the district of the department.

(b) At the time the area becomes part of the district, ~~the circuit judge~~ **of the county executive and county fiscal body** shall **jointly** appoint a member from the area to the board. The member shall be appointed with the same qualifications and for the same term as other members and has the same powers and duties. If the petition of more than one (1) area is approved, ~~the circuit judge~~ **the county executive and county fiscal body** shall **jointly** make the selection of members so as to maintain the bipartisan character of the board as far as possible. As each additional member is appointed, the quorum of the board is

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1 increased by one (1).

2 (c) The board has the same powers and duties to provide park and  
3 recreation service to the area as it has for the municipality, and this  
4 chapter applies as fully to the area to which service is extended as it  
5 applies to a municipality. However, the board need not provide service  
6 to the area before revenues from the area are available.

7 SECTION 4. [EFFECTIVE JULY 1, 2001] (a) **Notwithstanding**  
8 **IC 36-10-3-4, IC 36-10-3-5, and IC 36-10-3-36, all as amended by**  
9 **this act, a member appointed to:**

10 (1) **a county park board under IC 36-10-3-4 and IC 36-10-3-5;**

11 **or**

12 (2) **a park board under IC 36-10-3-36;**

13 **by a circuit court judge before July 1, 2001, is entitled to serve the**  
14 **remainder of the member's unexpired term.**

15 (b) **This SECTION expires July 1, 2005.**

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